
By: **Delegate James**

Introduced and read first time: February 13, 2004

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Retirement and Pensions - Reemployment of Retirees**

3 FOR the purpose of requiring that certain retirees of the Teachers' Retirement System
4 or the Teachers' Pension System who are rehired by certain employers return to
5 work in certain schools or teach certain subjects; requiring certain
6 superintendents of local school systems to submit a certain report to the State
7 Board of Education by a certain date; limiting the salary that certain retirees of
8 the Employees' Retirement System, the Teachers' Retirement System, the
9 Employees' Pension System, or Teachers' Pension System may receive when
10 they are rehired by certain employers; providing that certain retirees of the
11 Employees' Retirement System, the Teachers' Retirement System, the
12 Employees' Pension System, or Teachers' Pension System may not be rehired by
13 certain employers within a certain period of time from the date when the
14 retirees retired; removing the requirement that the State Board of Education
15 provide the county boards of education with certain information regarding
16 reconstituted schools; requiring the State Superintendent of Schools and the
17 Secretary of Health and Mental Hygiene to submit certain reports to the Joint
18 Committee on Pensions by a certain date; altering the termination dates for
19 certain provisions of law that allow certain retirees of the Employees'
20 Retirement System, the Teachers' Retirement System, the Employees' Pension
21 System, or Teachers' Pension System to be reemployed by certain employers
22 without having an earnings limitation imposed on their retirement benefits;
23 providing for the application of this Act; and generally relating to the
24 reemployment of retirees of the Employees' Retirement System, the Teachers'
25 Retirement System, the Employees' Pension System, or Teachers' Pension
26 System.

27 BY repealing and reenacting, with amendments,
28 Article - State Personnel and Pensions
29 Section 22-406 and 23-407
30 Annotated Code of Maryland
31 (1997 Replacement Volume and 2003 Supplement)

32 BY repealing and reenacting, with amendments,
33 Chapter 518 of the Acts of the General Assembly of 1999

1 Section 3

2 BY repealing and reenacting, with amendments,
3 Chapter 245 of the Acts of the General Assembly of 2000
4 Section 3

5 BY repealing and reenacting, with amendments,
6 Chapter 732 of the Acts of the General Assembly of 2001
7 Section 2

8 BY repealing and reenacting, with amendments,
9 Chapter 733 of the Acts of the General Assembly of 2001
10 Section 3

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - State Personnel and Pensions**

14 22-406.

15 (a) An individual who is receiving a service retirement allowance or vested
16 allowance may accept employment with a participating employer on a permanent,
17 temporary, or contractual basis, if:

18 (1) the individual immediately notifies the Board of Trustees of the
19 individual's intention to accept this employment; and

20 (2) the individual specifies the compensation to be received.

21 (b) (1) The Board of Trustees shall reduce the allowance of an individual
22 who accepts employment as provided under subsection (a) of this section if:

23 (i) the individual's current employer is a participating employer
24 other than the State and is the same participating employer that employed the
25 individual at the time of the individual's last separation from employment with a
26 participating employer before the individual commenced receiving a service
27 retirement allowance or vested allowance;

28 (ii) the individual's current employer is any unit of State
29 government and the individual's employer at the time of the individual's last
30 separation from employment with the State before the individual commenced
31 receiving a service retirement allowance or vested allowance was also a unit of State
32 government; or

33 (iii) the individual becomes reemployed within 12 months of
34 receiving an early service retirement allowance under § 22-402 of this subtitle.

1 (2) The reduction required under paragraph (1) of this subsection shall
2 equal:

3 (i) the amount by which the sum of the individual's initial annual
4 basic allowance and the individual's annual compensation exceeds the average final
5 compensation used to compute the basic allowance; or

6 (ii) for a retiree who retired under the Workforce Reduction Act
7 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual
8 compensation and the retiree's annual basic allowance at the time of retirement,
9 including the incentive provided by the Workforce Reduction Act, exceeds the average
10 final compensation used to compute the basic allowance.

11 (3) A reduction of an early service retirement allowance under paragraph
12 (1)(iii) of this subsection shall be applied only until the individual has received an
13 allowance for 12 months.

14 (4) Except for an individual whose allowance is subject to a reduction as
15 provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an
16 allowance under this subsection does not apply to:

17 (i) an individual who has been retired for more than 10 years;

18 (ii) an individual whose average final compensation was less than
19 \$10,000 and who is reemployed on a temporary or contractual basis;

20 (iii) an individual who is serving in an elected position as an official
21 of a participating governmental unit or as a constitutional officer for a county that is
22 a participating governmental unit;

23 (iv) a retiree of the Teachers' Retirement System:

24 1. who retired and was reemployed by a participating
25 employer other than the State on or before September 30, 1994; and

26 2. whose employment compensation does not derive, in whole
27 or in part, from State funds;

28 (v) a retiree of the Teachers' Retirement System who:

29 1. is or has been certified to teach in the State;

30 2. has verification of satisfactory or better performance in
31 the last assignment prior to retirement;

32 3. based on the retired teacher's qualifications, has been
33 appointed in accordance with § 4-103 of the Education Article; AND

34 4. [subject to item 5 of this item is employed as:

1 A. a substitute classroom teacher or substitute teacher
2 mentor in a public school that has been recommended for reconstitution, or has been
3 reconstituted, by the State Board of Education, until the public school meets the
4 standards for school performance set by the State Board of Education;

5 B. a classroom teacher or teacher mentor in a public school
6 that has been recommended for reconstitution, or has been reconstituted, by the State
7 Board of Education, until the public school meets the standards for school
8 performance set by the State Board of Education;

9 C. a classroom teacher or teacher mentor in a county or
10 subject area on a statewide basis in which the State Board of Education finds that
11 there is a shortage of teachers, until the State Board of Education finds the shortage
12 no longer exists in that county or subject area on a statewide basis; or

13 D. a substitute classroom teacher or substitute teacher
14 mentor in a county or subject area on a statewide basis in which the State Board of
15 Education finds that there is a shortage of teachers, until the State Board of
16 Education finds the shortage no longer exists in that county or subject area on a
17 statewide basis; and

18 5.] receives verification of satisfactory or better performance
19 each year the teacher is employed under [item 4 of this item] PARAGRAPH (5) OF THIS
20 SUBSECTION;

21 (vi) a retiree of the Teachers' Retirement System who:

22 1. A. was employed as a principal within 5 years of
23 retirement; or

24 B. was employed as a principal not more than 10 years before
25 retirement and was employed in a position supervising principals in the retiree's last
26 assignment prior to retirement;

27 2. has verification of better than satisfactory performance for
28 each year as a principal and, if applicable, in a position supervising principals prior to
29 retirement;

30 3. based on the retiree's qualifications, has been hired as a
31 principal;

32 4. receives verification of better than satisfactory
33 performance each year the retiree is employed as a principal under [item 3 of this
34 item] PARAGRAPH (6) OF THIS SUBSECTION; and

35 5. is not employed as a principal under [item 3 of this item]
36 PARAGRAPH (6) OF THIS SUBSECTION for more than 4 years;

1 (vii) a former employee of the Domestic Relations Division of Anne
2 Arundel County Circuit Court who transfers into the State Employees' Personnel
3 System under § 2-510 of the Courts Article; or

4 (viii) a retiree of the Employees' Retirement System who is
5 reemployed on a contractual basis by the Department of Health and Mental Hygiene
6 as a health care practitioner, as defined in § 1-301 of the Health Occupations Article,
7 in:

8 1. a State residential center as defined in § 7-101 of the
9 Health - General Article;

10 2. a chronic disease center subject to Title 19, Subtitle 5 of
11 the Health - General Article;

12 3. a State facility as defined in § 10-101 of the Health -
13 General Article; or

14 4. a county board of health subject to Title 3, Subtitle 2 of the
15 Health - General Article.

16 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH, AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(V) OF THIS
18 SUBSECTION SHALL BE EMPLOYED AS A CLASSROOM TEACHER, SUBSTITUTE
19 CLASSROOM TEACHER, TEACHER MENTOR, OR SUBSTITUTE TEACHER MENTOR IN A
20 PUBLIC SCHOOL THAT:

21 1. IS NOT MAKING ADEQUATE YEARLY PROGRESS AS
22 DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS
23 IMPLEMENTED BY THE DEPARTMENT OF EDUCATION; AND

24 2. IS TEACHING IN A SUBJECT AREA THAT IS CRITICAL FOR
25 THE SCHOOL TO MAKE ADEQUATE YEARLY PROGRESS.

26 (II) AN INDIVIDUAL MAY BE REHIRED BY A LOCAL SCHOOL SYSTEM
27 IN WHICH EVERY SCHOOL IN THE SCHOOL SYSTEM IS MAKING ADEQUATE YEARLY
28 PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001
29 AND IMPLEMENTED BY THE DEPARTMENT OF EDUCATION IF:

30 1. THE INDIVIDUAL IS EMPLOYED AS A CLASSROOM
31 TEACHER, SUBSTITUTE CLASSROOM TEACHER, TEACHER MENTOR, OR SUBSTITUTE
32 TEACHER MENTOR; AND

33 2. AT A PUBLIC SCHOOL RECEIVING FUNDS UNDER TITLE 1
34 OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001, TEACHING:

35 A. A CORE SUBJECT THAT HAS BEEN IDENTIFIED BY THE
36 DEPARTMENT OF EDUCATION BY REGULATION AS A CRITICAL SHORTAGE AREA;

1 B. A SPECIAL EDUCATION CLASS FOR STUDENTS WITH
2 SPECIAL NEEDS; OR

3 C. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
4 PROFICIENCY.

5 (6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
6 PARAGRAPH, AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(VI) OF THIS
7 SUBSECTION SHALL BE EMPLOYED AS A PRINCIPAL AT A PUBLIC SCHOOL THAT IS
8 NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO
9 CHILD LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE DEPARTMENT OF
10 EDUCATION.

11 (II) AN INDIVIDUAL MAY BE REHIRED BY A LOCAL SCHOOL SYSTEM
12 IN WHICH EVERY SCHOOL IN THE SCHOOL SYSTEM IS MAKING ADEQUATE YEARLY
13 PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001
14 AND IMPLEMENTED BY THE DEPARTMENT OF EDUCATION IF:

15 1. THE INDIVIDUAL IS EMPLOYED AS A PRINCIPAL; AND

16 2. AT A PUBLIC SCHOOL RECEIVING FUNDS UNDER TITLE 1
17 OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001.

18 (7) (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM
19 REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION
20 SHALL APPROVE THE REHIRING OF THAT INDIVIDUAL.

21 (II) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL
22 SUPERINTENDENT SHALL REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION:

23 1. THE NUMBER OF INDIVIDUALS REHIRED UNDER
24 PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION;

25 2. THE LOCATION OF THE SCHOOL WHERE EACH
26 INDIVIDUAL IS EMPLOYED;

27 3. THE SUBJECT MATTER TAUGHT BY EACH INDIVIDUAL;
28 AND

29 4. THE ANNUAL SALARIES OF EACH INDIVIDUAL.

30 (8) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(V), (VI), OR
31 (VIII) OF THIS SUBSECTION MAY NOT RECEIVE AN ANNUAL SALARY THAT IS GREATER
32 THAN 70% OF THE INDIVIDUAL'S ANNUAL SALARY AT THE TIME THE INDIVIDUAL
33 RETIRED.

34 (9) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(V), (VI), OR
35 (VIII) OF THIS SUBSECTION MAY NOT BE REHIRED WITHIN 60 DAYS OF THE DATE THE
36 INDIVIDUAL RETIRED.

1 (c) An individual who is receiving a service retirement allowance or a vested
2 allowance and who is reemployed by a participating employer may not receive
3 creditable service or eligibility service during the period of reemployment.

4 (d) The individual's compensation during the period of reemployment may not
5 be subject to the employer pickup provisions of § 21-303 of this article or any
6 reduction or deduction as a member contribution for pension or retirement purposes.

7 (e) The State Retirement Agency shall institute appropriate reporting
8 procedures with the affected payroll systems to ensure compliance with this section.

9 (f) (1) Immediately on the employment of any individual receiving a service
10 retirement allowance or a vested allowance, a participating employer shall notify the
11 State Retirement Agency of the type of employment and the anticipated earnings of
12 the individual.

13 (2) At least once each year, in a format specified by the State Retirement
14 Agency, each participating employer shall provide the State Retirement Agency with
15 a list of all employees included on any payroll of the employer, the Social Security
16 numbers of the employees, and their earnings for that year.

17 (g) The county boards of education shall notify the State Retirement Agency of
18 any retired teachers who qualify under subsection (b)(4)(v) of this section or any
19 personnel who qualify under subsection (b)(4)(vi) of this section.

20 (h) The State Board of Education shall notify the county boards of education of
21 [:

22 (1) any public school that is recommended for reconstitution or has been
23 reconstituted;

24 (2) any public school that is no longer recommended for reconstitution or
25 is otherwise found to meet the standards for school performance set by the State
26 Board of Education after reconstitution or a recommendation for reconstitution;

27 (3) any county or subject area on a statewide basis in which the State
28 Board of Education finds there is a shortage of teachers; and

29 (4)] a finding that there is no longer a shortage of teachers in a county or
30 subject area on a statewide basis.

31 (i) In addition to any regulations adopted in accordance with § 6-202 of the
32 Education Article, the State Board of Education shall adopt regulations concerning
33 the employment terms of retired teachers and personnel described in [subsection
34 (b)(4)(vi)] SUBSECTION (B)(4)(V) OR (VI) of this section.

35 (j) If the retiree's last assignment prior to retirement was in a position
36 directly supervising principals as provided under subsection (b)(4)(vi) of this section,
37 the county boards of education shall verify for the State Retirement Agency the
38 retiree's employment as a supervisor and a principal.

1 (k) At the request of the State Retirement Agency:

2 (1) a participating employer shall certify to the State Retirement Agency
3 that it is not the same participating employer that employed an individual at the time
4 of the individual's last separation from employment before the individual commenced
5 receiving a service retirement allowance or a vested allowance; or

6 (2) a unit of State government shall certify to the State Retirement
7 Agency that the individual was not employed by any unit of State government at the
8 time of the individual's last separation from employment before the individual
9 commenced receiving a service retirement allowance or a vested allowance.

10 (l) The Department of Health and Mental Hygiene shall notify the State
11 Retirement Agency of any retirees who qualify under subsection (b)(4)(viii) of this
12 section.

13 (M) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE STATE
14 SUPERINTENDENT OF SCHOOLS SHALL SUBMIT A REPORT IN ACCORDANCE WITH §
15 2-1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON
16 PENSIONS THAT PROVIDES:

17 (1) THE NUMBER OF INDIVIDUALS REHIRED UNDER SUBSECTION
18 (B)(4)(V) AND (VI) OF THIS SECTION;

19 (2) THE SCHOOL AND LOCAL SCHOOL SYSTEM WHERE EACH
20 INDIVIDUAL HAS BEEN REHIRED;

21 (3) THE SUBJECT MATTER TAUGHT BY EACH REHIRED TEACHER,
22 TEACHER MENTOR, SUBSTITUTE TEACHER, OR SUBSTITUTE TEACHER MENTOR; AND

23 (4) THE ANNUAL SALARY OF EACH REHIRED INDIVIDUAL AT THE TIME
24 OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED
25 INDIVIDUAL.

26 (N) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE SECRETARY OF HEALTH
27 AND MENTAL HYGIENE SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-1246 OF
28 THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT
29 PROVIDES:

30 (1) THE NUMBER OF INDIVIDUALS REHIRED UNDER SUBSECTION
31 (B)(4)(VIII) OF THIS SECTION; AND

32 (2) THE ANNUAL SALARY OF EACH REHIRED INDIVIDUAL AT THE TIME
33 OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED
34 INDIVIDUAL.

1 23-407.

2 (a) An individual who is receiving a service retirement allowance or a vested
3 allowance may accept employment with a participating employer on a permanent,
4 temporary, or contractual basis, if:

5 (1) the individual immediately notifies the Board of Trustees of the
6 individual's intention to accept this employment; and

7 (2) the individual specifies the compensation to be received.

8 (b) (1) The Board of Trustees shall reduce the allowance of an individual
9 who accepts employment as provided under subsection (a) of this section if:

10 (i) the individual's current employer is a participating employer
11 other than the State and is the same participating employer that employed the
12 individual at the time of the individual's last separation from employment with a
13 participating employer before the individual commenced receiving a service
14 retirement allowance or vested allowance;

15 (ii) the individual's current employer is any unit of State
16 government and the individual's employer at the time of the individual's last
17 separation from employment with the State before the individual commenced
18 receiving a service retirement allowance or vested allowance was also a unit of State
19 government; or

20 (iii) the individual becomes reemployed within 12 months of
21 receiving an early service retirement allowance or an early vested allowance
22 computed under § 23-402 of this subtitle.

23 (2) The reduction required under paragraph (1) of this subsection shall
24 equal:

25 (i) the amount by which the sum of the individual's initial annual
26 basic allowance and the individual's annual compensation exceeds the average final
27 compensation used to compute the basic allowance; or

28 (ii) for a retiree who retired under the Workforce Reduction Act
29 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual
30 compensation and the retiree's annual basic allowance at the time of retirement,
31 including the incentive provided by the Workforce Reduction Act, exceeds the average
32 final compensation used to compute the basic allowance.

33 (3) A reduction of an early service retirement allowance or an early
34 vested allowance under paragraph (1)(iii) of this subsection shall be applied only until
35 the individual has received an allowance for 12 months.

36 (4) Except for an individual whose allowance is subject to a reduction as
37 provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an
38 allowance under this subsection does not apply to:

1 (i) an individual whose average final compensation was less than
2 \$10,000 and who is reemployed on a temporary or contractual basis;

3 (ii) an individual who is serving in an elected position as an official
4 of a participating governmental unit or as a constitutional officer for a county that is
5 a participating governmental unit;

6 (iii) a retiree of the Teachers' Pension System who:

7 1. is or has been certified to teach in the State;

8 2. has verification of satisfactory or better performance in
9 the last assignment prior to retirement;

10 3. based on the retired teacher's qualifications, has been
11 appointed in accordance with § 4-103 of the Education Article; AND

12 4. [subject to item 5 of this item is employed as:

13 A. a substitute classroom teacher or substitute teacher
14 mentor in a public school that has been recommended for reconstitution, or has been
15 reconstituted, by the State Board of Education, until the public school meets the
16 standards for school performance set by the State Board of Education;

17 B. a classroom teacher or teacher mentor in a public school
18 that has been recommended for reconstitution, or has been reconstituted, by the State
19 Board of Education, until the public school meets the standards for school
20 performance set by the State Board of Education;

21 C. a classroom teacher or teacher mentor in a county or
22 subject area on a statewide basis in which the State Board of Education finds that
23 there is a shortage of teachers, until the State Board of Education finds the shortage
24 no longer exists in that county or subject area on a statewide basis; or

25 D. a substitute classroom teacher or substitute teacher
26 mentor in a county or subject area on a statewide basis in which the State Board of
27 Education finds that there is a shortage of teachers, until the State Board of
28 Education finds the shortage no longer exists in that county or subject area on a
29 statewide basis; and

30 5.] receives verification of satisfactory or better performance
31 each year the teacher is employed under [item 4 of this item] PARAGRAPH (5) OF THIS
32 SUBSECTION;

33 (iv) a retiree of the Teachers' Pension System who:

34 1. A. was employed as a principal within 5 years of
35 retirement; or

1 B. was employed as a principal not more than 10 years before
2 retirement and was employed in a position supervising principals in the retiree's last
3 assignment prior to retirement;

4 2. has verification of better than satisfactory performance for
5 each year as a principal and, if applicable, in a position supervising principals prior to
6 retirement;

7 3. based on the retiree's qualifications, has been hired as a
8 principal;

9 4. receives verification of better than satisfactory
10 performance each year the retiree is employed as a principal under [item 3 of this
11 item] PARAGRAPH (6) OF THIS SUBSECTION; and

12 5. is not employed as a principal under [item 3 of this item]
13 PARAGRAPH (6) OF THIS SUBSECTION for more than 4 years;

14 (v) an individual who has been retired for more than 10 years; or

15 (vi) a retiree of the Employees' Pension System who is reemployed
16 on a contractual basis by the Department of Health and Mental Hygiene as a health
17 care practitioner, as defined in § 1-301 of the Health Occupations Article in:

18 1. a State residential center as defined in § 7-101 of the
19 Health - General Article;

20 2. a chronic disease center subject to Title 19, Subtitle 5 of
21 the Health - General Article;

22 3. a State facility as defined in § 10-101 of the Health -
23 General Article; or

24 4. a county board of health subject to Title 3, Subtitle 2 of the
25 Health - General Article.

26 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
27 PARAGRAPH, AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(III) OF THIS
28 SUBSECTION SHALL BE EMPLOYED AS A CLASSROOM TEACHER, SUBSTITUTE
29 CLASSROOM TEACHER, TEACHER MENTOR, OR SUBSTITUTE TEACHER MENTOR IN A
30 PUBLIC SCHOOL THAT:

31 1. IS NOT MAKING ADEQUATE YEARLY PROGRESS AS
32 DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS
33 IMPLEMENTED BY THE DEPARTMENT OF EDUCATION; AND

34 2. IS TEACHING IN A SUBJECT AREA THAT IS CRITICAL FOR
35 THE SCHOOL TO MAKE ADEQUATE YEARLY PROGRESS.

1 (II) AN INDIVIDUAL MAY BE REHIRED BY A LOCAL SCHOOL SYSTEM
2 IN WHICH EVERY SCHOOL IN THE SCHOOL SYSTEM IS MAKING ADEQUATE YEARLY
3 PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001
4 AND IMPLEMENTED BY THE DEPARTMENT OF EDUCATION IF:

5 1. THE INDIVIDUAL IS EMPLOYED AS A CLASSROOM
6 TEACHER, SUBSTITUTE CLASSROOM TEACHER, TEACHER MENTOR, OR SUBSTITUTE
7 TEACHER MENTOR; AND

8 2. AT A PUBLIC SCHOOL RECEIVING FUNDS UNDER TITLE 1
9 OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001, TEACHING:

10 A. A CORE SUBJECT THAT HAS BEEN IDENTIFIED AS A
11 CRITICAL SHORTAGE AREA;

12 B. A SPECIAL EDUCATION CLASS FOR STUDENTS WITH
13 SPECIAL NEEDS; OR

14 C. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
15 PROFICIENCY.

16 (6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
17 PARAGRAPH, AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(IV) OF THIS
18 SUBSECTION SHALL BE EMPLOYED AS A PRINCIPAL AT A PUBLIC SCHOOL THAT IS
19 NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO
20 CHILD LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED BY THE DEPARTMENT OF
21 EDUCATION.

22 (II) AN INDIVIDUAL MAY BE REHIRED BY A LOCAL SCHOOL SYSTEM
23 IN WHICH EVERY SCHOOL IN THE SCHOOL SYSTEM IS MAKING ADEQUATE YEARLY
24 PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001
25 AND IMPLEMENTED BY THE DEPARTMENT OF EDUCATION IF:

26 1. THE INDIVIDUAL IS EMPLOYED AS A PRINCIPAL; AND

27 2. AT A PUBLIC SCHOOL RECEIVING FUNDS UNDER TITLE 1
28 OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001.

29 (7) (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM
30 REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION
31 SHALL APPROVE THE REHIRING OF THAT INDIVIDUAL.

32 (II) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE
33 SUPERINTENDENT SHALL REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION:

34 1. THE NUMBER OF INDIVIDUALS REHIRED UNDER
35 PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION;

36 2. THE LOCATION OF THE SCHOOL WHERE EACH
37 INDIVIDUAL IS EMPLOYED;

1 (3) any county or subject area on a statewide basis in which the State
2 Board of Education finds there is a shortage of teachers; and

3 (4)] a finding that there is no longer a shortage of teachers in a county or
4 subject area on a statewide basis.

5 (i) In addition to any regulations adopted in accordance with § 6-202 of the
6 Education Article, the State Board of Education shall adopt regulations concerning
7 the employment terms of retired teachers and personnel described in [subsection
8 (b)(4)(iv)] SUBSECTION (B)(4)(III) OR (IV) of this section.

9 (j) If the retiree's last assignment prior to retirement was in a position
10 directly supervising principals as provided under subsection (b)(4)(iv) of this section,
11 the county boards of education shall verify for the State Retirement Agency the
12 retiree's employment as a supervisor and a principal.

13 (k) At the request of the State Retirement Agency:

14 (1) a participating employer shall certify to the State Retirement Agency
15 that it is not the same participating employer that employed an individual at the time
16 of the individual's last separation from employment before the individual commenced
17 receiving a service retirement allowance or a vested allowance; or

18 (2) a unit of State government shall certify to the State Retirement
19 Agency that the individual was not employed by any unit of State government at the
20 time of the individual's last separation from employment before the individual
21 commenced receiving a service retirement allowance or a vested allowance.

22 (l) The Department of Health and Mental Hygiene shall notify the State
23 Retirement Agency of any retirees who qualify under subsection (b)(4)(vi) of this
24 section.

25 (M) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE STATE
26 SUPERINTENDENT OF SCHOOLS SHALL SUBMIT A REPORT IN ACCORDANCE WITH §
27 2-1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON
28 PENSIONS THAT PROVIDES:

29 (1) THE NUMBER OF INDIVIDUALS REHIRED UNDER SUBSECTION
30 (B)(4)(V) AND (VI) OF THIS SECTION;

31 (2) THE SCHOOL AND SCHOOL SYSTEM WHERE EACH INDIVIDUAL HAS
32 BEEN REHIRED;

33 (3) THE SUBJECT MATTER TAUGHT BY EACH REHIRED TEACHER,
34 TEACHER MENTOR, SUBSTITUTE TEACHER, OR SUBSTITUTE TEACHER MENTOR; AND

35 (4) THE ANNUAL SALARY OF EACH REHIRED INDIVIDUAL AT THE TIME
36 OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED
37 INDIVIDUAL.

1 (N) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE SECRETARY OF HEALTH
2 AND MENTAL HYGIENE SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-1246 OF
3 THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT
4 PROVIDES:

5 (1) THE NUMBER OF INDIVIDUALS REHIRED UNDER SUBSECTION
6 (B)(4)(VI) OF THIS SECTION; AND

7 (2) THE ANNUAL SALARY OF EACH REHIRED INDIVIDUAL AT THE TIME
8 OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED
9 INDIVIDUAL.

10 **Chapter 518 of the Acts of 1999**

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 1999. It shall remain in effect for a period of [5] 9 years and, at the end of
13 June 30, [2004] 2008, with no further action required by the General Assembly, this
14 Act shall be terminated and of no further force and effect.

15 **Chapter 245 of the Acts of 2000**

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2000. It shall remain effective for a period of [4] 8 years and, at the end of
18 June 30, [2004] 2008, with no further action required by the General Assembly, this
19 Act shall be abrogated and of no further force and effect.

20 **Chapter 732 of the Acts of 2001**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2001. It shall remain effective for a period of [3] 7 years and at the end of June
23 30, [2004] 2008, with no further action required by the General Assembly, this Act
24 shall be abrogated and of no further force and effect.

25 **Chapter 733 of the Acts of 2001**

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2001. Section 2 of this Act shall remain effective for a period of [3] 7 years
28 and, at the end of June 30, [2004] 2008, with no further action required by the
29 General Assembly, Section 2 of this Act shall be abrogated and of no further force and
30 effect.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
32 construed to apply only prospectively and may not be applied or interpreted to have
33 any effect on or application to a retiree's employment contract in effect before the
34 effective date of this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 July 1, 2004.